

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SMS-01 ACDA-12 CIAE-00 DODE-00  
PM-05 H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15  
NSCE-00 SSO-00 ICAE-00 INRE-00 TRSE-00 /063 W  
-----074192 221431Z /44

O 221401Z AUG 78

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 5856

INFO AMEMBASSY BONN IMMEDIATE

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION USBERLIN

USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 20058

E.O. 11652: XGDS-1

TAGS: PGOV, EEC, BQG, AKB, UR

SUBJECT: SOVIET PROTEST ON FRG "LAW ON EUROPEAN  
ELECTIONS"

1. AMBASSADOR MET WITH CHIEF OF MFA THIRD EUROPEAN  
DEPARTMENT BONDARENKO, AT LATTER'S REQUEST, AUGUST 22.  
BONDARENKO READ OFFICIAL STATEMENT PROTESTING "LAW  
ON EUROPEAN ELECTIONS", RECENTLY ADOPTED BY BUNDESTAG  
ON GROUNDS THIS LAW TREATED WEST BERLIN AS CONSTITUENT  
PART OF FRG AND THEREFORE WAS IN CONFLICT WITH  
QUADRIpartite AGREEMENT (QA). BONDARENKO SUBSEQUENTLY  
HANDED AMBASSADOR THE RUSSIAN TEXT OF STATEMENT, IN  
FORM OF "NON-PAPER." INFORMAL TRANSLATION OF NON-  
PAPER GIVEN BELOW. RUSSIAN TEXT WILL BE POUCHED  
TO EUR/SOV.

2. AMBASSADOR UNDERTOOK TO INFORM DEPARTMENT OF  
SOVIET DEMARCHE. BY WAY OF A PRELIMINARY RESPONSE,  
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AMBASSADOR NOTED THAT WE DID NOT REGARD THIS FRG  
LEGISLATION AS INCONSISTENT WITH THE QA. OUR INTER-  
PRETATION OF THE QA WAS NOT IDENTICAL TO THAT OF THE  
USSR, AS BONDARENKO WAS WELL AWARE, BUT WE FELT  
STRONGLY THAT NEITHER THE FRG NOR ITS WESTERN ALLIES  
HAD VIOLATED THAT AGREEMENT. WE HAD ALWAYS ADHERED  
TO IT, AND ALWAYS WOULD.

3. BONDARENKO COMMENTED, IN RELAXED FASHION, THAT THE SOVIET SIDE HAD NO INTEREST IN ENDLESS PROBLEMS REGARDING THE STATUS OF BERLIN. HE HOPED COMMON LANGUAGE COULD BE FOUND ON THIS ISSUE, AND THAT THE SITUATION AROUND BERLIN WOULD REMAIN NORMAL. HE ADDED THAT IF U.S. LEGAL EXPERTS STUDIED THE FRG LAW OBJECTIVELY, THEY WOULD CERTAINLY REACH THE SAME CONCLUSIONS AS HAD THE SOVIET SIDE. AMBASSADOR RESPONDED THAT OUR LAWYERS ALWAYS TOOK AN OBJECTIVE VIEW.

4. BRITISH AND FRENCH WERE ALSO SUMMONED BY BONDARENKO AUGUST 22 ON THE SAME TOPIC. WE HAVE INFORMED THE FRG EMBASSY OF THIS MATTER.

5. INFORMAL TRANSLATION OF THE SOVIET NON-PAPER FOLLOWS: BEGIN TEXT: "THE SOVIET GOVERNMENT CONSIDERS IT ESSENTIAL TO CALL THE ATTENTION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA, AS A PARTY TO THE QUADRIPARTITE AGREEMENT OF SEPTEMBER 3, 1971, TO THE FOLLOWING.  
THE BUNDESTAG OF THE FEDERAL REPUBLIC OF GERMANY RECENTLY ADOPTED A SO-CALLED LAW ON EUROPEAN ELECTIONS (FEDERAL HERALD OF FRG LAWS, PART 1, NUMBER 31, JUNE 21, 1978). CONTRARY TO THE LEGAL AND FACTUAL  
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REALITIES, THE WESTERN SECTORS OF BERLIN ARE VIEWED IN THIS LEGISLATIVE ACT IN POINT OF FACT AS AN ADMINISTRATIVE-TERRITORIAL UNIT OF THE FRG, ONE OF ITS LANDS. THE CITY IS DECLARED A CONSTITUENT PART OF THE ELECTORAL TERRITORY OF THE FRG FOR THE ELECTIONS OF DEPUTIES TO THE "EUROPEAN PARLIAMENT". THE LAW DEMONSTRATIVELY PRESCRIBES PROCEDURES FOR THE ELECTION OF DEPUTIES OF THE "EUROPEAN PARLIAMENT" IN "LAND BERLIN" AND DETERMINES THEIR NUMBER, ALTHOUGH IT IS WELL KNOWN THAT THE FRG BUNDESTAG DOES NOT POSSESS AND CANNOT POSSESS SUCH AUTHORITY. PERMANENT RESIDENTS OF THE WESTERN SECTORS OF BERLIN WHO, ACCORDING TO THE LAW, ARE SUPPOSED TO BE ELECTED IN THE CITY TO THE "EUROPEAN PARLIAMENT", ARE DESCRIBED AS FRG DEPUTIES. THE EFFECT OF THE LAW IS EXTENDED TO "LAND BERLIN", DESPITE THE FACT THAT ITS CONTENTS DIRECTLY TOUCH QUESTIONS OF STATUS.  
THE FRG LAW THEREFORE IS IN DIRECT CONTRAVENTION TO THE PROVISION OF THE QUADRIPARTITE AGREEMENT THAT THE WESTERN SECTORS OF BERLIN ARE NOT A LAND NOR ANY OTHER KIND OF CONSTITUENT PART OF THE FRG, THAT THE STATE ORGANS OF THE FRG DO NOT HAVE THE RIGHT TO EXERCISE

DIRECT STATE AUTHORITY OVER THE WESTERN SECTORS OF BERLIN. IT IS OBVIOUS THAT THE ACTION OF THE FRG IN NO WAY ACCORDS WITH THE PRINCIPLE OF THE QUADRI-PARTITE AGREEMENT THAT IN THE WESTERN SECTORS OF BERLIN FRG LEGISLATION WHICH TOUCHES QUESTIONS OF STATUS AND SECURITY CANNOT BE APPLIED.

IN SUBSTANCE, THE DESCRIBED LAW REPRESENTS NOTHING ELSE BUT ONE MORE STEP IN A CHAIN OF ILLEGAL ACTIONS, INTENDED TO DRAG THE WESTERN SECTORS OF BERLIN INTO THE STATUS OF A KIND OF APPENDAGE OF THE FRG, IN THE

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C O N F I D E N T I A L SECTION 02 OF 02 MOSCOW 20058

PROCESS OF STATE-POLITICAL INTEGRATION OF THE COUNTRIES OF WESTERN EUROPE. THE POSITION OF THE USSR ON THIS QUESTION HAS BEEN BROUGHT TO THE ATTENTION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA MORE THAN ONCE. IT REMAINS UNCHANGED. THE DRAWING OF THE WESTERN SECTORS OF BERLIN INTO THE INDICATED INTEGRATION PROCESS, INCLUDING BY MEANS OF INVOLVING THE WESTERN SECTORS OF BERLIN IN THE ELECTIONS TO THE "EUROPEAN PARLIAMENT", WOULD RUN COUNTER TO THE QUADRI-PARTITE AGREEMENT, WITH THE AIM INCORPORATED IN IT OF AVOIDING COMPLICATIONS IN THE REGION OF APPLICATION OF THE AGREEMENT.

THE SOVIET SIDE EXPECTS THAT THE GOVERNMENT OF THE

UNITED STATES OF AMERICA WILL SEE TO IT THAT  
APPLICATION OF THE FRG LAW "ON EUROPEAN ELECTIONS"  
IS NOT PERMITTED TO APPLY TO THE WESTERN SECTORS OF  
BERLIN. IN THE CONTRARY CASE, THE SOVIET SIDE WILL  
VIEW AS ILLEGAL ANY ACTIONS WHICH ARE  
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UNDERTAKEN IN THE CITY ON THE BASIS OF THIS LAW AND,  
OF COURSE, RESERVES THE RIGHT TO TAKE ANY OTHER  
NECESSARY MEASURES IN ORDER TO PROTECT ITS LEGAL  
RIGHTS AND INTERESTS AND ENSURE THE STRICT OBSERVANCE  
OF THE QUADRIpartite AGREEMENT." END TEXT. TOON

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## Message Attributes

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